IN RE: PETITION FOR ADMIN. VARIANCE
N/S Quelet Court, 159 ft. E of
c/l of Halbert Avenue
6 Quelet Court, Lot 2
5th Election District
1st. Councilmanic District
Raphael P. Zoppo, et ux

Petitioners

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 99-374-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Raphael Zoppo and Kathryn E. Zoppo, his wife, property owners, for that property known as 6 Quelet Court, Lot 2, in the White Property and Quelet Property subdivision of Baltimore County. The Petitioners herein seek a variance from Section 1B01.2.C.2.a.of the Baltimore County Zoning Regulations (BCZR) and Sections V.B.5.2 V.B.8 and V.B.9 of the Comprehensive Manual of Development Policies (CMDP) to allow a window to tract boundary setback of 28 ft. and a building to tract boundary setback of 28 ft., in lieu of 35 and 30 ft., respectively; and to permit a garage to street right of way setback of 20 ft. and a 45 ft. setback to street centerline in lieu of 22 ft. and 50 ft., respectively; also, to amend the last approved Final Development Plan for lot 2, and to amend the approved plan and Order in case No. 94-203-A. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition. for Variance.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27 day of April 1999 that the Petition for an Administrative Variance from Section 1B01.2.C.2.a.of the BCZR and Sections V.B.5.2, V.B.8 and V.B.9 of the Comprehensive Manual of Development Policies (CMDP) to allow a window to tract boundary setback of 28 ft. and a building to tract boundary setback of 28 ft., in lieu of 35 and 30 ft., respectively; and to permit a garage to street right of way setback of 20 ft. and a 45 ft. setback to street centerline in lieu of 22 ft. and 50 ft., respectively; also, to amend the last approved Final Development Plan for lot 2, and to amend the approved plan and Order in case No. 94-203-A, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR **BALTIMORE COUNTY**

LES:mmn



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

April 27, 1999

Mr. and Mrs. Raphael P. Zoppo 6 Quelet Court Baltimore, Maryland 21236

RE: Petition for an Administrative Variance

Case No. 99-374-A Location: #6 Quelet Court

Dear Mr. and Mrs. Zoppo:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn
Encl.
Copy:
Vincent J. Moskunas
M & H Development Engineers, Inc.
200 E. Joppa Road, Room 101
Towson, Maryland 21286



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

Zoning Commissioner of Baltimore County

CALCAL THE COLUMN TO THE COLUM			
		for the propert	y located at #6 Quelet Court
			which is presently zoned D.R. 5.5
wher(s) of the property situated a part hereof, hereby property Sect. 504 BCZR) AND	etition for a V	re County and white /ariance from Section V. B. 7 Pek-Se	its and Development Management. The undersigned, legath is described in the description and plat attached hereto and in 1801.2.C.2:3 Aug V.8.5. 2 Also V.8.5.6 TOGAND IBOLZIC.3 BCZR(ALV.8 REFERENCE)
IILDING TO TRACT BOUNT GARAGE TO STREET RIC F 22 FT AND 45 FT, RE	dary sets Ght of way Espectively	PACK OF ZBFT SETBACK OF YAND TO AMER	A WINDOW TO TRACT BOUNDARY SETBACE OF 28 FT. IN LIEU OF 35 AND 30 FT RESPECTIVELY AND TO ZOFT AND A 45FT. SETBACK TO STREET CONTEXLINE IN IN THE CAST A PPROVED FINAL DESIGNATION PLAN FO THE A PPRIVED PLAN AND ORDER IN CASE #94-203
the zoning regulations of B	Baltimore Cou	inty, to the zoning I	aw of Baltimore County, for the reasons indicated on the back
operty is to be posted and a r we, agree to pay expenses sulations and restrictions of Ba	of above Varia	ance, advertising, po	zoning regulations. sting, etc. and further agree to and are to be bounded by the zoning to the zoning law for Baltimore County.
			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
ontract Purchaser/Less	<u>see:</u>		Legal Owner(s): Resolved P. Zoon T.(
ne - Type or Print			Name Type or Mint
nature			Signature 2 A A VIN E ZODO
ress		Telephone No.	Name - Type or Print
	State	Zip Code	Signature
forney For Petitioner:			6 Quelet Court (410)665-6269 Address Telephone No.
			Baltimore, MD 21236
e - Type or Print		- · · • · ·	City State Zip Code
ature			Representative to be Contacted: M&H Development Engineers, Inc.
ipany			Vincent J. Moskunas Name
	-		200 E. Joppa Road, Room 101 (410)828-906
		Telephone No.	Address Telephone No.
ress			Towson, MD 21286
ddress	State	Zip Code	City State Zip Code

REU 9[15]98

CASE NO. 99-379-A

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative

Address

City

That the Affiant(s) does/do presently reside at

Variance at the above address (indicate hardship or practical difficulty):

#6 Quelet Court

Baltimore, MD 21236

Zip Code

2. 3.	This is an existing condi The builder did not under	e approved building permit No.B275256 tion stand the garage setback, the main house is on the 25' the house into the rear yard setback.
That the	Affiant(s) acknowledge(s) that if	a formal demand is filed, Affiant(s) will be required to pay a reposting and
Signature Name - Type	dras P. Zopo Jr	Signature Signat
I HEREBY of Marylar the Affian	F MARYLAND, COUNTY OF BAY CERTIFY, this 2 day of	March 1999 before me, a Notary Public of the State
AS WITN	ESS my hand and Notarial Seal	Hanning M. Mc Janies Notary Public
		My Commission Expires
ZEV 09 15 9	98	FRANCINE M. McKINNEY NOTARY PUBLIC STATE OF MARYLAND

My Commission Expires May 4, 2002

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

competent to testify thereto in the event that a p	ublic n	nearing is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at	• • • •	6 Quelet Court
	Addre	Baltimore, MD 21236
	City	State Zip Code
That be and once a constant loss of the first		
Variance at the above address (indicate hardsh	wing a ip or pr	are the facts upon which I/we base the request for an Administrative ractical difficulty):
 The house was built to the a This is an existing condition 		ved building permit No.B275256
		he garage setback, the main house sits on the 25
setback line, thus pushing t	he ho	ouse into the rear yard setback.
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature for a formal faul formal fo	ormal c addition	demand is filed, Affiant(s) will be required to pay a reposting and an information. Signature Signature
Name - Type or Print		Name-Type or Print
STATE OF MARYLAND, COUNTY OF BALTIN		
I HEREBY CERTIFY, this day of Maryland, in and for the County aforesaid, pe	rsonali	
RAPHAEZ PAUL ZOPPO	TR	P + KATHERYNE. ZOPPO
the Affiant(s) herein, personally known or satis	factoril	ly identified to me as such Affiant(s), and made oath in due form of re true and correct to the best of his/her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal		
3-12-99		(Heaving M. Mc Kings
Date		Notary Public
		My Commission Expires

REU 09|15|98

FRANCINE M. McKINNEY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 4, 2002



REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

1	for the property	located at #6	Quelet Court	
		which is pre	sently zonedD	.R. 5.5
This Petition shall be filed with the Depa owner(s) of the property situate in Baltimore made a part hereof, hereby petition for a Va SECT. 504 BCZR) AND U. 8. 6 AND V. B. CMDP.) 1971-1992 ZONING PLESS. BUILDING TO TEACT BC WIDGARY SETT GARAGE TO STREET RIGHT OF WAS FOR LOTZ IN THE WHITE/QUELET CASE # 94-203-A of the zoning regulations of Baltimore Count of this petition form.	County and which interest from Section .9 Per Sect 57 To August A was 3ACK at 28 FT. TSETRACK of TVELY AUG ZE	th is described in the con(s) 1861, 2, C, 2 2 4 AND 1801, 2, C, 100W TO TRACT BOWN TO TRACT BOWN TO TRACT AND A 45F7 AMEND THE LANGUAGE LA	lescription and plat AND V. B. 5. A AN BOZR (ALL V.) BOZR (ALL V.) BOARY SETBACK BETBACK TO STA	attached hereto and
Property is to be posted and advertised as p I, or we, agree to pay expenses of above Varian regulations and restrictions of Baltimore County	ice, advertising, pos	ting etc. and further ag	ree to and are to be b more County.	ounded by the zoning
		I/We do solemnly do perjury, that I/we are is the subject of this	eclare and affirm, und e the legal owner(s) o Petition.	er the penalties of f the property which
Contract Purchaser/Lessee:		Legal Owner(s)	<u>.</u>	
		Robert	Z0000 50	
Name - Type or Print	··········	Name Type of Prifit	<u> </u>	·
Signature		Signature	<u> </u>	
Address	Telephone No.	Name - Type or Print		
City State	Zi- Codo	Katho	Vn EZ	PPO
	Zip Code	Signature	87	Ana /
Attorney For Petitioner:		Address 6 Quelet	Court (410)66	Telephone No.
Name - Type or Print		City Baltimon	re, MD 21236 State	Zip Code
Signature		Representative M&H Developme Vincent J. Mo	to be Contacted	inc.
Company			opa Road, Room	101
Address	Telephone No.	Address	(4	10) 828-9060 Telephone No.
No.	relephone 140.	Towson, M	21286	relephone No.
City State	Zip Code	City	State	Zip Code
A Public Hearing having been formally demanded this day of that the regulations of Baltimore County and that the property b	e subject matter of thi	s petition be set for a publi	c hearing, advertised, a	s required by the zoning
		Zoning Com	missioner of Baltimore C	ounty
CASE NO. 9 9 99-374	A Revi	ewed By	Date	

Estimated Posting Date

TEL.: 410-828-9060 FAX: 410-828-9066

314

M. & H. DEVELOPMENT ENGINEERS, INC.

200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21286

ZONING DESCRIPTION FOR #6 QUELET COURT

Beginning at a point on the north side of Quelet Court which is 50' wide at the distance of 159' east of the centerline of Halbert Avenue which is 50' wide.

Being Lot #2 in the subdivision of "White Property and Quelet Property" as recorded in Baltimore County Plat Book #67, folio #42, containing 0.146 acres, more or less.

Also being known as #6 Quelet Court and located in the 11th. Election District, 5th.

Councilmanic District.



J. Tilghman Downey, Jr. Reg. No. 114

	A STATE OF THE PARTY OF THE PAR
BALTIMORE COUNTY, MARYL D OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT 374 No. 065419	
DATE 3 25/99 ACCOUNT ROO16150	PROCESS ACTION TIME 1/25/1999 3/25/1999 09:56:37 RES WS02 CASHIER JRIC JAR DRAWED CO FISCELLANDES CASH RECEIPT
AMOUNT \$ 100,00	Receipt # 085672 0718 CR #0. 065419
FROM: ZOPPO AND MOSCONIS. (50.00 FA)	200.00 CHECK Palitimore County, Waryland
FOR: PV AND AMEND FDP. 09-3	74-A
DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	CASHIER'S VALIDATION

The section of the second

Land Line Advanced

A Same of the Contract of

CERTIFICATE OF POSTING

RE: CASE # 99-374-A
PETITIONER/DEVELOPER:
(Ray Zoppo)
DATE OF Closing
[APR. 19, 1999]

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

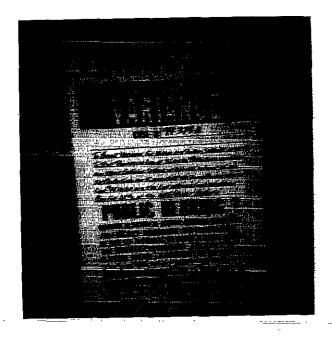
ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at

6 Quevet Court Baltimore, Maryland 21236_____

4-2-99



th, Day, Year j
Sincerely, Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 374 -A Address #6 QUELET CT			
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391			
Filing Date: 3/25/99 Posting Date: 4/99 Closing Date: 4/99			
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.			
POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.			
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.			
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.			
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.			
(Detach Along Dotted Line)			
Petitioner: This Part of the Form is for the Sign Poster Only			
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT			
Case Number 99-374 -A Address #6 QUEVET CT			
Petitioner's Name Telephone 410 828 9060			
Posting Date: 4 4 99 Closing Date: 4 19 99			
ording for Sign: To Permit Pariaties for this down Building - Fetbacks of 28 F (Tetract Building in Lieu of 35 and			
BECTIVELY MA) CAPAGE MULTIREST CENTERLINE SETBACKS OF 20 AND 45 IN LIEU OF 22 AND 50 FT, RESPECTIVELY AND TO			
AMENI) BOTH THE ZOUING-PLAN AND CROSK IN CASE# 94-203-A AND THE LAST HAPPEUALED FINAL DEVELOPMENT PLAN			
FOR LUT 2 OF THE WHITE/QUELET PROPERTY			
WCR - Revised 7/2/98			

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

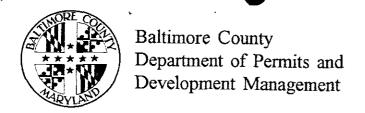
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspape	er Advertising:
Item Number o	r Case Number: 99-374-A
Petitioner:	Ray & Kathryn Zoppo, Jr.
Address or Loc	ation: 6 Quelet Court
	VARD ADVERTISING BILL TO:
Address: 6 0	uelet Court
Bal	timore, MD 21236
Telephone Nun	nber:(410)665-6269



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

April 20, 1999

Mr. Vincent J. Moskunas M & H Development Engineers, Inc. 200 E. Joppa Road, Room 101 Towson, MD 21286

RE: Case No.: 99-374-A
Petitioner: Zoppo

Location: 6 Quelet Court

Dear Mr. Moskunas:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on March 25, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: April 12, 1999

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for April 12, 1999

Item Nos. 368, 372, 373, 374, 377,

and 378

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

April 15, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF APRIL 5, 1999

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

367, 368, 369, 371, 372, 373, 374, 376, 377, 378, AND 379.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Permits and Development Management

DATE: (4pri) /13/99

FROM:

R. Bruce Seeley, Project Manager RNJ4

Development Coordination

DEPRM

SUBJECT:

Zoning Advisory Committee

Distribution Meeting Date: 4/5/99

The Department of Environmental Protection and Resource Management has **no comments** for the following Zoning Advisory Committee Items:

Item #'s: 36-8
370
371
373
374
373
373
374
499-342-A
499-345-A

AV 4/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Date: April 8, 1999

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 374

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 4.2.99

Baltimore County

Item No. 374

RE:

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear. Ms Stephens:

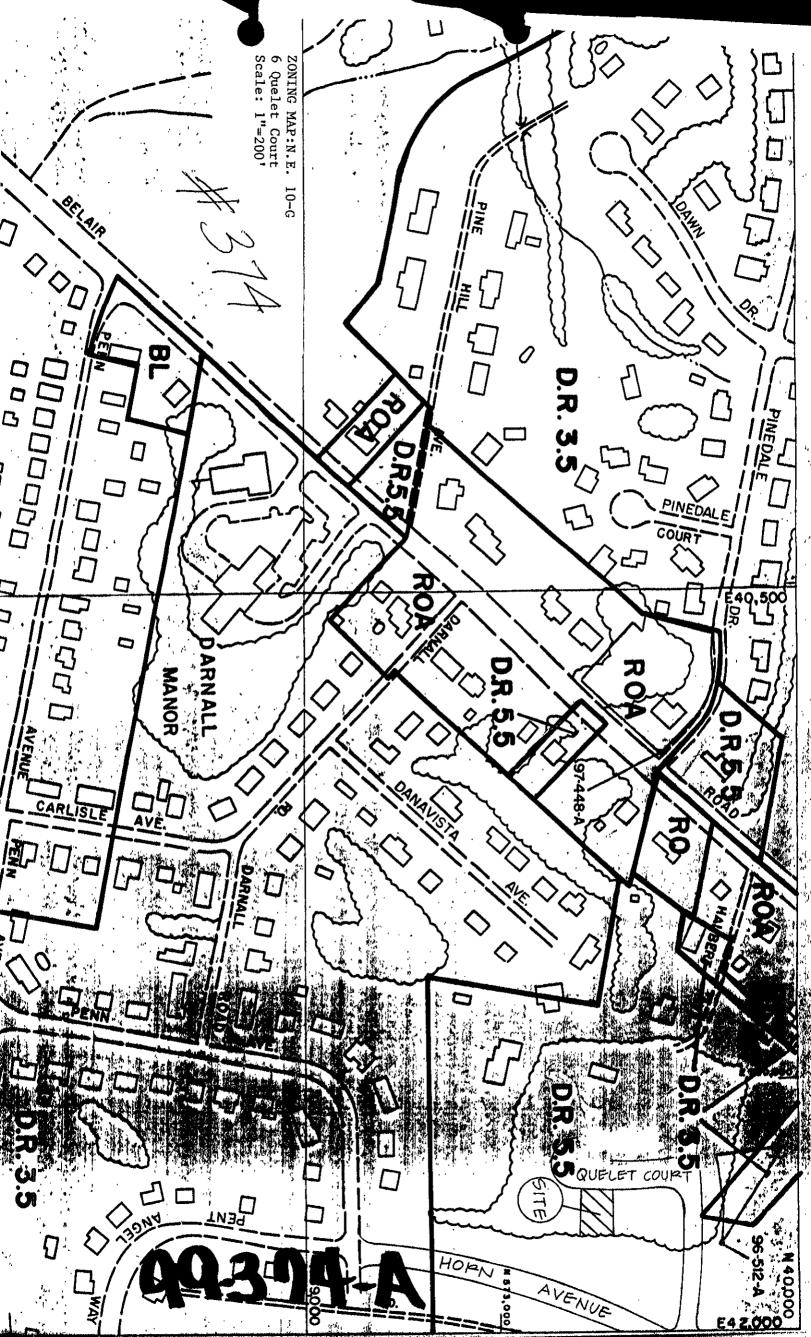
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

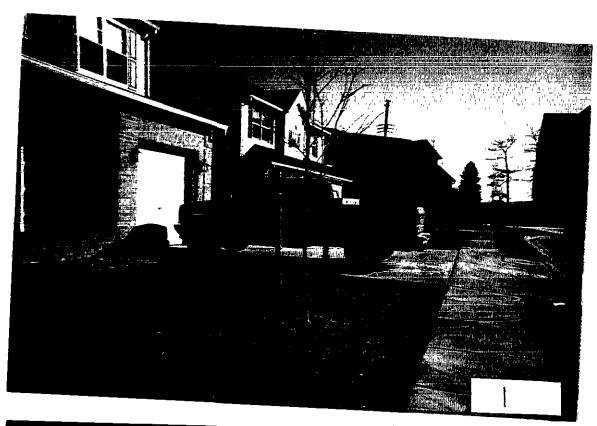
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

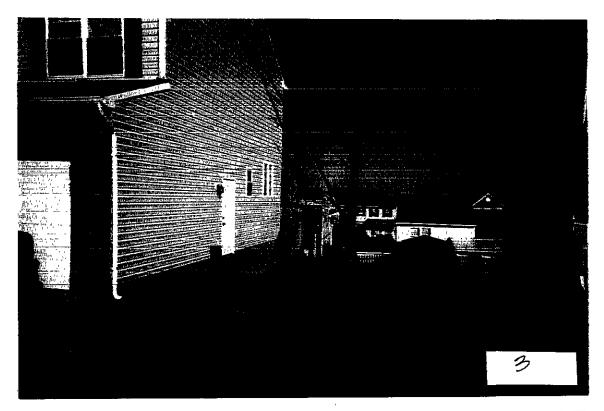








99-374-A









99-314-A

